

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:16-cr-00029-FL

UNITED STATES OF AMERICA :
:
v. :
:
JUAN RAMIREZ MARTINEZ :
JOSHUA MILES MILLER :
:

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the plea of guilty by the defendant, Juan Ramirez Martinez on May 11, 2016 and the entry of a Memorandum of Plea Agreement entered into by the defendant, Joshua Miles Miller, on June 16, 2016, and further evidence of record and as presented by the Government, the Court finds that the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as firearms and ammunition used in knowing violations of 18 U.S.C. §§ 924(c)(1)(A)(i) and 2, to wit:

- a) A .45 caliber Kimber pistol, Model Stainless II, bearing serial number K179695;
- b) Twenty-two (22) rounds of .45 caliber ammunition;
- c) \$2,826.00 in US Currency;
- d) Sixteen (16) rounds of 9mm ammunition;

e) A .40 caliber Astra pistol, Model A100, bearing serial number W1196; and

f) Eleven (11) rounds of .40 caliber ammunition; and

AND WHEREAS, by virtue of said plea of guilty and Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to 21 U.S.C. § 853;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Plea of Guilty as to the defendant, Juan Ramirez Martinez and Memorandum of Plea Agreement as to the defendant Joshua Miles Miller, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

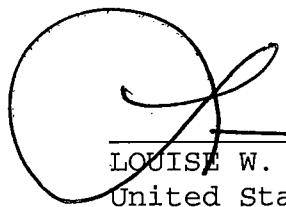
3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the

Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 5th day of October, 2016.



LOUISE W. FLANAGAN
United States District Judge